

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2022 JUL 15 P 2:35

CLERK 
SO. DIST. OF GA.

JOSEPH MCROBERTS,

Plaintiff,

v.

CV 421-350

SHERIFF JOHN WILCHER, MAJOR
BOYLES, and CORPORAL BOYLES,

Defendants.

O R D E R

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation ("R&R"), to which Plaintiff filed an objection. The R&R recommends dismissal of Plaintiff's Complaint because he did not pay his filing fee, even though he has accumulated more than three "strikes" under Section 1915(g) by filing frivolous suits in this district. (See Doc. No. 4 (citing McRoberts v. Wilcher, 4:21-CV-193, Doc. No. 4 at 2 (S.D. Ga. June 2, 2021)).)

Plaintiff's objection attempts to justify his prior court filings, instead of showing any viable objection to the R&R. Moreover, rather than attempt to meet the "imminent danger" exception to Section 1915(g), Plaintiff complains that the Court repeatedly dismisses his claims; he alleges that the filing fee is

a "desecration to the patriotic values and morals instilled by the founding fathers of this nation." (Id. at 2.)

Ultimately, the Court finds that Plaintiff failed to allege an "imminent danger of serious physical injury," and his motion to proceed IFP is **DENIED**. (Doc. No. 2.) Having filed three meritless claims and because Plaintiff may not now cure his failure to pay the filing fee, his Complaint must be dismissed. See, e.g., Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) ("[T]he proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed in forma pauperis pursuant to the three strikes provision of § 1915(g).").

Accordingly, Plaintiff's objection (doc. no. 5) is **OVERRULED**. The Court hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion and **DISMISSES** this case **WITHOUT PREJUDICE**. The Clerk is directed to **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 15th day of July, 2022.


UNITED STATES DISTRICT JUDGE